

REGULAR MEETING of the Burrillville Town Council to be held Wednesday, August 26, 2009 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: None

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meeting held July 22, 2009; the public hearing held July 22, 2009, the special meeting held August 5, 2009 and the workshop held August 12, 2009; and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

3. Public Comment:

Steven A. Florio, MS, Executive Director of the Rhode Island Commission on the Deaf and Hard of Hearing (RICDHH), addressed the Town Council, discussing the extent of deafness/hard of hearing in Rhode Island and the resources and training available through RICDHH.

Richard Cote of Mapleville read a statement related to the success of the 2009 Relay for Life held in Burrillville and commended and congratulated participants.

Kevin Blais of Tarkiln Road encouraged participation in future Relays for Life.

Kevin Blais of Tarkiln Road discussed his requests for CART (Communication Access Realtime Translation). The town's response was reviewed and discussed.

Point of Order: Councilor Kevin D. Heitke suggested that the colloquium relative to accommodations might exceed limits of public comment.

Michele Badessa informed the Town Council that there was a typographic error on the web page.

4. General Good and Welfare of the Town of Burrillville: None

5. Petitions: None

6. Special Business:

09-203 VOTED to open a proclamation honoring Sergeant Angela M. Jalette upon her retirement.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Sergeant Jalette was recognized for accomplishments throughout her career and presented with a proclamation.

09-204 VOTED to open a proclamation honoring Patrol Officers Brian Pitts, Jason Cahill and Jason Eddy.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Councilor Norman C. Mainville commented on the unconscionable act of hit and run, commending Officers Pitts, Cahill and Eddy, and the entire police department, on the apprehension of a recent hit and run driver.

09-205 VOTED to open a proclamation honoring Patrol Officer David Beauchemin.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Councilor Norman C. Mainville commended the resource officer program, suspended due to budgetary constraints. Councilor Mainville supported reinstatement of the program as soon as possible. Officer Beauchemin's accomplishments as resource officer were reviewed and discussed. Officer Beauchemin was commended.

09-224 VOTED to grant renewal of Private Detective License #10 to Karen M. Gauthier.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A.

Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-225 VOTED to table for one month the application for licenses for Junk Yard and the Collecting of Junk for 2009 for the following in accordance with and subject to the provisions of Title 5, Chapter 21; Title 31, Chapters 39 and 42 of the General Laws of the State of Rhode Island, 1956, as amended; said Licenses to expire December 31, 2009 (Junk Yard License – Fee \$50.00 – Collecting of Junk License – Fee \$5.00)

Thomas E. Gonyea d/b/a Gonyea's Auto in a building owned by Thomas E. Gonyea, 95 Ross Road, Pascoag

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-226 VOTED to open the application from Lynn Marcotte for an annual kennel license to apply at 155 Barnes Road, Nasonville (Assessor's Map 181, Lot 28).

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were

Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Discussion: Ms. Marcotte addressed the Town Council about her plans for a boarding kennel.

VOTED to grant the license but not have it issued until proper construction is completed; the stipulations the zoning board set down (have been met); and subject to the approval by the Animal Control Officer who will verify that she has her state permit.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-227 VOTED to grant a Class F Liquor License to Nasonville Volunteer Fire Department to apply at 2577 Victory Highway, Nasonville in a building owned by Nasonville Volunteer Fire Department (Assessor's Map 114, Lot 32).

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees,

Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-228 VOTED to grant a special event victualing license and a Class F Liquor license to Oakland Mapleville Fire Department to apply at the Oakland Triangle on September 6, 2009 (rain date September 7, 2009) on property owned by Adler Brothers Construction, Inc. (Assessor's Map 162, Lot 40).

Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-229 VOTED to grant a quarterly entertainment license to Spritzers Café to apply at 63 Grove Street, Pascoag, during the months of October, November and December 2009 on property owned by Pinewood Development LLC (Assessor's Map 157, Lot 193).

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

7. Unfinished Business:

09-219 VOTED to open discussion of Senate Bill 2009 – S 1012; an Act Relating to Towns and Cities – General Powers (This act would mandate that every town and city consolidate certain functions by July 1, 2011.)

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Discussion: In response to an inquiry at a previous meeting, Timothy F. Kane, Town Solicitor, indicated that if this legislation became law it would supersede home rule charter provisions to the contrary.

VOTED that we notify our legislators that we are opposed to this bill and any similar bill.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

8. New Business:

09-230 VOTED to open the correspondence from Councilor Norman C. Mainville regarding his request that the Council receive a status report on the current Pandemic for H1N1.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Discussion: Councilor Norman C. Mainville described the State's plans related to the current pandemic for H1N1. Councilor Mainville noted that the primary reason for the agenda item was to make the Council and Administration aware that, while there will be grants available, there may also be some costs to the town. Councilor Mainville provided handouts related to preparedness for the H1N1 influenza, copies of which are on file with the record of the meeting. Michael C. Wood, Town Manager, indicated that public information was posted to the town's website periodically. Councilor Karmozyn commended coordinators of the plan.

09-231 Correspondence from Councilor Norman C. Mainville, Chair, Screening Subcommittee, regarding the Subcommittee's recommendations.

VOTED to appoint Kevin Mazzearella as an alternate member of the Recreation Commission for a one-year term to expire May 31, 2010.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

VOTED to appoint Cynthia Carlozzi to the Conservation Commission to fill an unexpired three-year term to expire March 31, 2012.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

VOTED to appoint Hubert Cournoyer to the Jesse M. Smith Library Board of Trustees to fill an unexpired five-year term to expire June 30, 2010.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees,

Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

VOTED to reappoint Kathleen Thibault to the Juvenile Hearing Board for a three-year term to expire July 31, 2012.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

VOTED to reappoint Barbara Schouboe as an alternate member of the Redevelopment Agency for a one-year term to expire July 31, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-232 VOTED to refer to the Screening Subcommittee the application from Timothy F. Pratt for appointment to the recreation commission.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were

Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-233 Applications from Robert M. Alves, Raymond Cloutier, Mark Farrar, Scott J. George, Kevin P. Menard, Leo Plouffe, John W. Prew, Richard Tropper and Steven Tundermann for appointment to the Board of Directors of the Pascoag Reservoir/Echo Lake Dam Management District. Note: The ordinance requires that the Burrillville Town Council appoint five (5) members.

Note: Councilor Wallace F. Lees recused from discussion of item #09-233 because he is a member of the Pascoag Reservoir/Echo Lake Dam Management District.

There was a recess at 8:05 P.M., during which ballots were produced. The Town Council members, excluding Councilor Lees, voted by ballot for the Pascoag Reservoir/Echo Lake Dam Management District Board of Directors.

The Town Council returned to open session at 8:18 P.M. Council President Nancy F. Binns announced that Raymond Cloutier, Mark Farrar, Scott J. George, Kevin P. Menard, and Leo Plouffe had received the most votes.

VOTED to appoint Raymond Cloutier, Mark Farrar, Scott J. George,

Kevin P. Menard, and Leo Plouffe.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The motion carried, six in favor, one refusal. Voting in favor were Council President Nancy F. Binns and Councilors Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Wallace F. Lees refused.

Pending Legislation:

09-234 VOTED to open a resolution in opposition to Senate Bill 2009 – S 0713; an Act Relating to Labor and Labor Relations – Certified School Teachers Arbitration.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Discussion: Councilor Margaret L. Dudley suggested that the resolution should be more strongly worded. The proposed legislation and the reasons for the Town's objection were reviewed.

VOTED to adopt a resolution, as follows:

Town Council of the Town of Burrillville

Opposing Legislation

Binding Arbitration - Teachers

Whereas, Binding arbitration provisions currently included in Rhode Island law for police and firefighters has led Rhode Island to have the 5th highest public safety costs per capita; in Connecticut binding arbitration has lead to the highest paid teachers nationally; and

Whereas, The proposal being advanced by the teacher unions does not take student welfare into account, conform to the existing property tax caps adopted by the legislature a few years ago, recognize court-established management rights or prevent strikes or work to rule; and

Whereas, The NEA and AFT are touting binding arbitration for Connecticut teachers as a model for Rhode Island, but their proposal, unlike Connecticut law, does allow a school committee to reject an arbitration award by a 2/3 vote; furthermore, the proposal does not allow the Commissioner of Education to appoint the neutral arbitrator.

Whereas, Any consideration of such a drastic change in labor negotiation law needs to be carefully considered. A one day special session is not the proper venue to air all the concerns that the public will have on this issue. At the very least the Legislature should defer action on this proposal until its January session; and

Whereas, With the current recession Rhode Island cities and towns

can ill afford a new costly labor mandate.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville do hereby strongly urge our legislative delegation to reject the binding arbitration proposal currently being considered by the Assembly.

PASSED AS A RESOLUTION of the Burrillville Town Council this 26th day of August 2009

Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-235 VOTED to receive and file the notice from DEM regarding a request to alter Freshwater Wetlands by Stanislaw Deptus at property located near Hill Road by utility pole no. 62, near the intersection of Hill and West Roads (Map 71, Lot 10).

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

9. Town Clerk/Communication:

09-236 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding the renaming of a portion of Cherry Farm Road and Spring Lake Road.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

Discussion: Michael C. Wood, Town Manager, noted that rather than renaming portions of Cherry Farm Road and Spring Lake Road, the 9-1-1 computer system would be annotated to ensure that emergency vehicles immediately know the location of any emergency.

VOTED to accept the recommendation of the Ordinance Subcommittee and the Administration.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-237 Correspondence from Governor Donald L. Carcieri regarding a CDBG grant in the amount of \$33,075.

VOTED to receive.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-238 VOTED to receive and file the correspondence from the Department of Housing and Urban Development regarding a grant in the amount of \$95,000 for continuing renovations to the Ashton Court Senior Housing project.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-239 VOTED to receive and file the correspondence from Jean M. Fecteau, Town Clerk, Town of Glocester, regarding the Glocester Town Council's resolution opposing rate hikes by Blue Cross and

United Health.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-240 VOTED to support the Middletown Town Council's resolution requesting legislation criminalizing prostitution.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

09-241 VOTED to receive and file the correspondence from Joanne M. Mower, Deputy Town Clerk, Town of Portsmouth, regarding the Portsmouth Town Council's request for support of their resolution in support of the US Supreme Court's opinion in *Carcieri v. Salazar*.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M.

Karmozyn, Jr. and Norman C. Mainville.

10. VOTED that reports #1 through 23 be received, as follows:

- 1. Town Treasurer: No report**
- 2. Burrillville Sewer Commission: No report**
- 3. Tax Collector: Report of July 2009**
- 4. Department of Public Works: Report of July 2009**
- 5. Chief of Police: Report of July 2009**
- 6. Office of Building Official: Report of July 2009**
- 7. Animal Control Officer: Report of July 2009**
- 8. Burrillville Housing Authority: Meetings of June 2 & 10 and July 8 and 27, 2009**
- 9. Planning Board/Town Planner: Meeting of June 1, 2009**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: Report of August 2009**
- 13. Burrillville Conservation Commission: Meeting of June 9, 2009**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meetings of May 26 and June 23, 2009**
- 16. B-PAC: No report**
- 17. Personnel Board: No report**
- 18. Screening Subcommittee: Meetings of June 15 and July 20, 2009**
- 19. Budget Board: No report**
- 20. Burrillville School Committee: Meetings of May 12 and June 2, 17 and 23, 2009**

- 21. Senior Center Feasibility Study Committee: Meeting of June 3, 2009**
- 22. Emergency Management Agency: Report of August 18, 2009**
- 23. Public Safety Committee: No report**

Motion by Councilor Norman C. Mainville. Seconded by Councilor Robert A. Bishop. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

11. Additional New Business:

09-242 VOTED to grant the request for executive session from Michael C. Wood, Town Manager pursuant to Rhode Island Open Meeting Law [§42-46-5(a)(2)] to consider and discuss collective bargaining between the Town of Burrillville and the Fraternal Order of Police Burrillville

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

There was a recess before executive session.

The Town Council returned to open session at 8:56 P.M.

VOTED to seal the minutes of executive session, noting that no votes had been taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

VOTED to adjourn in memory of Senator Edward M. Kennedy, father of our congressman, Patrick J. Kennedy, at 8:57 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville.

The meeting was taped. The tape is on file with the record of the meeting.

Louise R. Phaneuf, Town Clerk